

# SENATE, No. 1728

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MARCH 21, 2006

**Sponsored by:**

**Senator MARTHA W. BARK**

**District 8 (Burlington)**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Essex, Morris, Somerset and Union)**

**Co-Sponsored by:**

**Senator Weinberg**

**SYNOPSIS**

Disqualifies parent who abandoned child from share of deceased child's estate.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 5/25/2007)

1 AN ACT concerning the intestate estate of certain children and  
2 amending N.J.S. 3B:5-4.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. N.J.S. 3B:5-4 is amended to read as follows:

8 3B:5-4. Intestate shares of heirs other than surviving spouse or  
9 domestic partner.

10 Any part of the intestate estate not passing to the decedent's  
11 surviving spouse or domestic partner under N.J.S.3B:5-3, or the  
12 entire intestate estate if there is no surviving spouse or domestic  
13 partner, passes in the following order to the individuals designated  
14 below who survive the decedent:

15 a. To the decedent's descendants by representation;

16 b. If there are no surviving descendants, to the decedent's  
17 parents equally if both survive, or to the surviving parent;except  
18 that

19 (1) No distributive share in the estate of a deceased child shall  
20 be allowed to a parent who has failed or refused to provide for, or  
21 has abandoned such child while such child is under the age of 18  
22 years, whether or not such child dies before having attained the age  
23 of 18 years, unless the parental relationship and duties are  
24 subsequently resumed and continue until the death of the child;

25 (2) In the event that a parent is disqualified from taking a  
26 distributive share in the estate of a decedent under this section, the  
27 estate of such decedent shall be distributed as though such parent  
28 had predeceased the decedent; and

29 (3) No sibling of the half blood of the decedent whose parent is  
30 disqualified shall take a distributive share in the estate of such  
31 deceased child;

32 c. If there are no surviving descendants or parent, to the  
33 descendants of the decedent's parents or either of them by  
34 representation;

35 d. If there is no surviving descendant, parent or descendant of a  
36 parent, but the decedent is survived by one or more grandparents,  
37 half of the estate passes to the decedent's paternal grandparents  
38 equally if both survive, or to the surviving paternal grandparent, or  
39 to the descendants of the decedent's paternal grandparents or either  
40 of them if both are deceased, the descendants taking by  
41 representation; and the other half passes to the decedent's maternal  
42 relatives in the same manner; but if there is no surviving  
43 grandparent, or descendant of a grandparent on either the paternal  
44 or the maternal side, the entire estate passes to the decedent's  
45 relatives on the other side in the same manner as the half[.];

**EXPLANATION** – Matter enclosed in bold-faced brackets [thus] in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 e. If there is no surviving descendant, parent, descendant of a  
2 parent, or grandparent, but the decedent is survived by one or more  
3 descendants of grandparents, the descendants take equally if they  
4 are all of the same degree of kinship to the decedent, but if of  
5 unequal degree those of more remote degree take by  
6 representation[.];

7 f. If there are no surviving descendants of grandparents, then the  
8 decedent's step-children or their descendants by representation.  
9 (cf: P.L. 2005, c.331, s.3).

10  
11 2. This act shall take effect immediately.

12  
13  
14 STATEMENT

15  
16 This bill amends the law governing intestate succession  
17 concerning the right of certain parents to share in the estate of the  
18 parent's deceased child. Under current State law the distribution of  
19 the intestate estate of a decedent child who dies without a spouse or  
20 descendants is distributed equally to each surviving parent, without  
21 consideration for whether the malfeasant parent failed or refused to  
22 provide for, or had abandoned the child. Current law provides only  
23 for a lien against the child's intestate estate for the parent's failure to  
24 pay a child support judgment debt pursuant to N.J.S.2A:17-56.23b.  
25 The bill disqualifies a parent who failed or refused to provide for, or  
26 who abandoned a child from sharing in the intestate estate of such  
27 child.

28 The bill is based upon a similar intestacy law enacted in New  
29 York State as McKinney's EPTL §4-1.4 that disallows distributions  
30 of intestate estates to malfeasant parents.